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SEP 10 2004

Atty. Dkt. No. SALK1650-6  
(088802-2758)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Marc. R. Montminy  
**Title:** METHODS FOR TREATING  
DIABETES MELLITUS  
**Appl. No.:** 10/628,957  
**Filing Date:** 07/28/2003  
**Examiner:** Lucas, Zachariah  
**Art Unit:** 1648

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<u>Germaine Sarda</u> (Printed Name)	
<u>Germaine Sarda</u> (Signature)	
<u>September 10, 2004</u> (Date of Deposit)	

**RESPONSE TO A RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the restriction requirement dated August 10, 2004, concerning the above-referenced patent application.

The claims have been restricted into three (3) groups. Applicant respectfully disagrees in-part with the basis for the restriction as discussed below. Applicant nevertheless hereby elects for examination Group I, claims 1-8, subject to the response below.

Applicant respectfully requests the Examiner to reconsider the restriction and to examine the claims of Group I to III together. Restriction is appropriate if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121); however, even if inventions are determined to be independent or distinct, restriction should not be made if examination can be performed without a "serious burden" on the examiner (MPEP §803). It is respectfully submitted that there would be no "serious burden" on the Examiner to examine all three Groups together.

DLMP259090.1

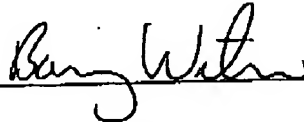
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In sum, the Examiner is respectfully requested to reconsider the restriction and to examine the claims of Group I to III together.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date September 10, 2004By 

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